

Trial Reunification

Applicability and Definitions

Applicability

This policy applies to cases in which at least one child is placed in out-of-home care by court order and the child is going to be placed in the home from which the child was removed for a period of not less than 7 nor more than 90 days for the purpose of determining the appropriateness of permanent reunification.

The requirements of this policy are contained in the boxes.

Agencies must assure that their actions and actions of contracted provider staff comply with this policy.

This policy does not apply to cases under the Interstate Compact on the Placement of Children (s. 48.988, Stats.), the Interstate Compact on Juveniles (s. 938.991, Stats.), or the Interstate Compact for Juveniles (s. 938.999, Stats.).

Definitions

“Agency” means, unless otherwise indicated, the department of health and family services, a county department under s. 46.215, 46.22, or 46.23, Stats., or a child-placing agency licensed under s. 48.60, Stats., and ch. HFS 54, Adm. Code, that placed a child in out-of-home care, arranged for a child’s placement in out-of-home care, or is the agency primarily responsible for providing services to a child in out-of-home care pursuant to a court order under Chs. 48 or 938, Stats.

“Child” means a person who is under the age of 18, or is a person aged 18 years who has come into the supervision of the agency when under the age of 18, remains under the jurisdiction of the court, and is enrolled full-time in a high school program or its vocational or technical equivalent and is expected to graduate or complete his or her course of study by age 19. For purposes of this policy, unless otherwise specified, “child” includes a “juvenile” as defined in s. 938.02 (10m), Stats.

“Child’s home” means the home from which the child was removed.

“Trial reunification” means the process by which a child remains in out-of-home care, continues under court-ordered supervision and is returned to the home from which the child was removed, for a limited and specified period of time not less than 7 days, for the purpose of determining the appropriateness of permanent reunification. Trial reunification is the same event as a trial home visit, which is referred to in Wisconsin statutes under ss. 48.365(2g)(b)3., 48.38(5)(c)6., and 48.417(1)(a), Stats. and in federal law under, 45 CFR 1356.21(e).

DOCUMENT SUMMARY

This memo describes the process to be used in determining the appropriateness of and implementing trial reunifications for children placed in out-of home care.

Initiating a Trial Reunification

Decisions Prior to Initiating a Trial Reunification

To determine whether a trial reunification is appropriate, the agency must:

- Determine whether any existing court orders specifically limit family interaction in a manner that prevents the use of a trial reunification (e.g., no contact order or supervised family interaction).
- Determine whether an in-home safety plan can be implemented (**see Appendix 1: In-Home Safety Management Criteria**) to control impending danger threats and assure child safety.
- In Chapter 938 cases, determine whether the juvenile represents a substantial risk of harm to the community.

It is also important to assess family interaction plans at this point. Prior to deciding whether to initiate a trial reunification, face-to-face family interaction with the child should become less restrictive (from supervised, if appropriate, to decreasing levels of supervision, to unsupervised contact) and increased in length, and supports for parents in enhancing their protective capacities should have been implemented. Agency staff should consult the Family Interaction Policy, DCFS Numbered Memo 2006-08, for further guidance.

As the desired professional practice, agencies should, whenever possible:

- Consult with appropriate service or treatment team members, including the out-of-home care provider, to assure that any safety concerns or risks to the child or community are considered or addressed before making the decision to implement a trial reunification.
- Discuss the trial reunification with the child, as appropriate to the child's age and capacity. The caseworker, therapist, or other adult close to the child should assist the child in identifying his or her hopes, fears, and attitudes about the trial reunification and provide support to the child.

Actions Prior to Implementation of a Trial Reunification

Prior to implementation of a trial reunification, the agency must:

- Develop an in-home safety plan when a child is concluded to be unsafe; and
- Notify in writing the individuals involved of the agency's plan to initiate a trial reunification including, but not limited to:
 1. the parent/caregiver
 2. the court,
 3. the child's Guardian ad Litem and/or legal counsel,
 4. the parents' legal counsel,
 5. district attorney or corporation counsel,
 6. court-appointed special advocate,
 7. out-of-home care provider, and, as appropriate,
 8. Indian custodian and tribe.

Additionally, as part of the trial reunification plan, agencies should specify:

- Services that will be provided to the out-of-home care provider during the time the child is on a trial reunification, including any contact with the child and maintenance of payments.
- If the child is part of a sibling group, information on which of the siblings will be included in the trial reunification, either because the sibling already resides in the home or as other children placed in out-of-home care also returning for a visit or trial reunification.

As a practice guideline, agency staff should determine which service providers should be notified of the child's participation in a trial reunification. Notification may be written or verbal.

Managing Trial Reunifications

Actions During a Trial Reunification

The agency must continuously review the adequacy of an in-home safety plan and the impact of the trial reunification. This includes:

- face-to-face contact within 7 days of initiation of a trial reunification with parents/caregivers and the child,
- twice a month face-to-face contact, at a minimum, with parents/caregivers and the child unless a need for more immediate or frequent contact is indicated by the information obtained about the family by a safety or other service provider, and
- once a month contact, at a minimum, with service providers involved during the trial reunification.

(See: Child Protective Services Safety Intervention Standards)

Information gathered from the parents/caregivers, child, and service providers is used to evaluate and confirm child safety and the impact of the trial reunification by:

1. assuring that the services put in place continue to adequately control identified safety threats and threats to the child and the community;
2. assuring that the commitments by the family and providers remain in effect;
3. determining whether previously identified safety threats and threats to the child and the community have been eliminated, reduced, or increased in severity;
4. determining if new safety threats or threats to the child or the community have emerged; and
5. modifying the safety plan (related to impending danger threats), case plan (related to protective capacities), or permanency plan, when appropriate.

Timeframes of Trial Reunifications

A trial reunification shall not be planned for a duration of less than 7days. Within 90 days after the beginning of the trial reunification, either a Notice of Change in Placement shall be filed with

the court to allow the child to remain in the home, or the child shall be returned to out-of-home care.

To the extent it is known and planned, the agency should incorporate plans for and information about a trial reunification into the child's permanency plan.

Reunification Decision

When a Trial Reunification is Successful

Prior to a child being reunified, the following criteria must be met:

- Child safety can be maintained within the child's home,
- Circumstances and behavior that resulted in removal can now be managed through an in-home safety or treatment/service plan, and
- A judgment can be made that an in-home safety plan will be sustained while services continue.

The agency must initiate the process to reunify a child with his or her family at the following points:

- When the results of the case progress evaluation indicate that the parent's/caregiver's protective capacities are sufficiently enhanced to manage threats to safety.
- In Chapter 938 cases, when the juvenile no longer represents a substantial risk of harm to the community.

As part of this process, the agency must:

- conduct a safety assessment and analysis or an assessment of the need for placement before completing the reunification process,
- **complete and file a Notice of Change in Placement with the court, and
- Allow a minimum of 10 days for parties to file an objection to the Notice of Change in Placement.
- If a party files an objection to the Notice of Change in Placement the trial reunification shall continue until further order of the court unless there is a change of circumstances necessitating an immediate removal (**See Appendix 2: Out-of-Home Safety Management Criteria**).

If a Trial Reunification is Unsuccessful

If a trial reunification ends with the child's return to out-of-home care (**See Appendix 2: Out-of-Home Safety Management Criteria**), the agency must:

- Within 3 working days of terminating a trial reunification, notify all parties by memorandum of the agency's decision to terminate the trial reunification including, but not limited to:
 1. the parent/caregiver,
 2. the court,
 3. the child's Guardian ad Litem or legal counsel,
 4. the parent(s)' legal counsel
 5. district attorney or corporation counsel,
 6. court-appointed special advocate,
 7. out-of-home care provider, and, as appropriate,
 8. Indian custodian and tribe.
- File a Notice of Change in Placement if the child is not returned to the same out-of-home care placement.

At this point, the agency should consult with their Permanency Consultant to discuss the child's current placement status and determine whether:

- the permanence goal remains appropriate, and
- a concurrent goal should be established.

Documenting Trial Reunifications

Documentation Requirements

1. The following decisions and justification for the decisions must be approved by a supervisor or his/her designee and documented in the family case record:
 - The decision to initiate a trial reunification.
 - The decision to terminate a trial reunification.
 - The decision to reunify the child with his or her family.

Documentation of a trial reunification is critical because it is information that can be used in a termination of parental rights action to determine whether the agency made reasonable or active efforts to reunify a child.

Appendix 1

In-Home Safety Management Criteria

1. The parents/caregivers must be residing in the home that is an established residence.
2. The home environment must be calm and consistent enough so that safety actions, safety services, and safety services providers can be in the home and providers can be safe.
3. The parents/caregivers are willing to:
 - a. accept an in-home safety plan,
 - b. allow safety services to be implemented within the home according to the safety plan, and
 - c. be cooperative with those who are participating in carrying out the safety plan (i.e., safety services providers) within the home.

Criteria for a Sufficient In-Home Safety Plan

1. Safety actions, safety services, and safety service providers must be immediately available and accessible.
2. The safety plan must be action-oriented to control impending danger threats.
3. The actions and services included as part of a safety plan must have immediate impact with respect to controlling safety threats.
4. Safety plans cannot be based upon promissory commitments from caregivers.

Appendix 2

Out-of-Home Safety Management Criteria

1. Safety threats, as analyzed, are so extreme or occurring within the family in such a way that prevents in-home safety management.
2. A child's behavior is so provocative or out-of-control that this prevents in-home safety management.
3. The nature of the home environment is so chaotic, unpredictable, or dangerous that it prevents in-home safety management.
4. The parents/caregivers are unwilling to accept an in-home option for the safety plan and are unwilling to accept available providers and other people, resources, or safety services.
5. The parents'/caregivers' willingness to accept an in-home option for the safety plan cannot be confirmed or relied upon.